Exhibit 1.

Protestants.

* ZONING COMMISSIONER

The Maryland State Fair and Agricultural Society, Inc. Petitioner

3rd Councilmanic District

* * * * * * * * * * *

* OF BALTIMORE COUNTY

* Case No. 90-217-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve a modified plan for the surface of a parking area, under the provisions of Sections 409.12.B and 409.8.A.2, for the subject property designated as Lots 34 through 39, Section A, and Lots 1 through 23, Section L, all inclusive of Timonium Height as more particularly described in Petitioner's

The Petitioners, by Howard M. Mosner, Jr., Vice President and General Manager, appeared, testified and was represented by Thomas J. Peddicord, Jr., Esquire. Also appearing on behalf of the Petition was Steve Wilechoski, Landscape Architect with Greiner, Inc. There were no

Testimony indicated that the subject property consists of 1.81 acres zoned M.R.-I.M. located between Landstreet Road and Thelma Street Sand is presently unimproved. Petitioner proposes using the subject property as a parking lot. Said property, previously zoned D.R. 3.5, was the subject matter of a prior zoning Case No. 88-253-SPH in which Petitioner was granted a use permit for parking on Lots 1 through 20, inclusive, in Section L of Timonium Heights, which is the largest portion of the subject property. The zoning regulations in effect at that time permitted commercial parking in a residential zone. Petitioner was also granted permisor concrete durable and dustless surface, subject to numerous restrictions in an effort to reduce its impact upon the residential community to the north of the subject site. Following the 1988 comprehensive zoning cycle, the subject property was rezoned to M.R.-I.M. That zoning extended to the additional lots shown on Petitioner's Exhibit 1 as Lots 34 through 39, Section A, and Lots 1 through 23, Section L, of Timonium Heights. Petitioner proposes a modified paving plan, pursuant to Section 409.12.B. Said Section permits the Zoning Commissioner to approve a modified parking plan following a public hearing, pursuant to Section 409.8B.1 if the requirements for the parking spaces or loading spaces as set forth in Section 409 would create an undue hardship upon Petitioner. Section 409.8B.1, Business or Industrial Parking in Residential Zones, concerns use permits for parking which was what was granted for most of the land in Case No. 88-253-SPH under a previous regulation. Petitioner's plan proposes an aggregate paving surface which does not comply with the durable and dustless requirements. The testimony and evidence presented indicated there will be a 6-inch deep base of large dustless stones covered with a 2-inch layer of smaller 1/2 inch dustless stones to create what would commonly be referred to as a stone parking lot. Petitioner contends that

as a result of an erosion and storm water management problem to the west-

ern end of the subject site to pave the parking lot would increase the

water runoff and add to the flooding problem. The stone surface proposed

will allow the infiltration of water into the ground. The parking area

will mainly be used as a storage lot for large trucks and trailers used

during the course of the operation of the Timonium Fairgrounds, particular-

sion to use an aggregate paving system for the lot in lieu of an asphalt

is expected to be spouldic. Lighting for the lot will be installed in such a manner that it will be directed away from the residential properties to the north and mounted on poles no more than 14 feet in height. Petitioner will provide a landscape buffer along the north property line to separate the residential uses from the commercial parking lot. Both Messrs. Mosner and Wilechoski testified as to the requirements set forth in Section 409.8B.2 concerning the use of the property; however, it is clear that trucks, trailers and buses will be stored on the subject property. The modified plan language in 409.12.B. permits the Zoning Commissioner to modify the plan if deemed appropriate. At this particular location, given its zoning classification of M.R.-I.M., the Zoning Commissioner believes the relief requested is appropriate. Further, it appears that the requirements of Section 502.1 will be met by this project.

It is clear that the B.C.Z.R. permits the use proposed in a M.R.-I.M. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a spe-

which take place during the year. As such, the use of this particular lot

After reviewing all of the testimony and evidence presented, it appears that the relief requested in the Petition for Special Hearing should be granted with certain restrictions as more fully described below. Pursuant to the advertisement, posting of the roperty, and pub-

cial exception use, irrespective of its location within the zone.

or general welfare of the locality, nor tend to create congestion in

roads, streets, or alleys therein, nor be inconsistent with the purposes

of the property's zoning classification, nor in any other way be inconsis-

The proposed use will not be detrimental to the health, safety,

Schultz v. Pritts, 432 A.2d 1319 (1981).

tent with the spirit and intent of the B.C.Z.R.

lic hearing on this Petition held, and for the reasons given above, the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this _____day of January, 1990 that the Petition for Special Hearing to approve a modified plan for the surface of a parking area, under the provisions of Sections 409.12.B and 409.8.A.2, for the subject property designated as Lots 34 through 39, Section A, and Lots 1 through 23, Section L, all inclusive of Timonium Heights, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

> The Petitioner may apply for its use permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2) Petitioner shall prepare a landscaping plan for approval by the Baltimore County Landscape Planner. A

ly during the Maryland State Fair and other large agricultural projects

Baltimore County (301) 887-3353 J. Robert Haines

dying shrubs replaced as necessary. Within thirty (30) days of the date of this Order, Petitioner shall submit a new site plan reflecting the accurate zoning history of the subject property.

 Fencing around the subject lot shall be made of the same materials as required in previous Case No. 88-253-SPH, amended. Further, the fencing along the north property line and along Thelma Street shall be constructed out of the same materials required as part of the amended Order in the aforementioned matter.

copy of the approved plan shall be submitted to the

Zoning Commission er's Office for inclusion in the case

tained at all times by Petitioner and all deceased or

The vegetative buffer required shall be main-

5) Petitioner shall treat the parking lot with calcium chloride every April, and July. Further, written verification of compliance with this restriction must be submitted to the Zoning Commissioner on or before December 1 of each year indicating the date of treatment and the name of the company performing such treat-

6) Petitioner shall not permit any individual person or group of persons to live, reside or sleep on the parking lot or on any of the land covered by this

7) Petitioner shall keep the subject parking area clear and free of all trash and debris at all times the lot is in use.

When applying for the use permit, the site plan and land caping plan filed must reference this case and set forth and address the restrictions of this

> Zoning Commissioner for Baltimore County

Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204

> Thomas J. Peddicord, Jr., Esquire Marlow, Peddicord & Young 404 Allegheny Avenue Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING SE/Corner Landstreet Road and Thelmas Street 8th Election District - 3rd Councilmanic District The Maryland State Fair and Agricultural Society, Inc. - Petitioner Case No. 90-217-SPH

Dear Mr. Peddicorc:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

J. ROBERT HAINES Zoning Commissioner for Baltimore County

JRH:bjs cc: People's Counsel

File

Dennis F. Rasmusser
County Executive

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve _____ a modified plan, under the provisions of Sections 409.12.B. and 409.8.A.2., for the

PETITION FOR SPECIAL HEARING

the surface of a parking area for use by The Maryland State Fair and Agricultural Society, Inc. on the property designated as Lots 34 through 39. Section A. and Lots 1 through 23, Section L, all inclusive of Timonium Heights. Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Legal Owner(s):

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	popur o man toy.	LLE MW14A
	The Maryland State Fair & Agricultural	-
(Type or Print Name)	(Type or Print Name)	<u>D2</u>
		ea sh
Signature	Signature	DATE 10-30-
	By: Howard M. Mosner, Jr.	200 //F
Address		1000
City and State	Signature Vice-President & General Manager	<u> </u>
Attorney for Petitioner:	(201) 252 0200	
Thomas J. Peddicord, Jr., Esq.	P. O. Box 188 (301) 252-0200 Address Phone No.	
(Type or Print Name)	Timonium, Maryland 21093 City and State	
Marlow, Peddicord & Young, P.A. 404 Allegheny Avenue	Name, address and phone number of legal owner, contract purchaser or representative to be contacted	 ÷
Address Towson, Maryland 21204	Howard M. Mosner, Jr.	-
City and State	P. Name Box 188	
Markens No. (301) 821-1013	Timonium, MD 21093 (301) 252-0200	-

ORDERED By The Zoning Commissioner of Baltimore County, this _______ __, 19_5, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

DESCRIPTION OF PROPERTY

The property in question is situated in the 8th Election District of Baltimore County, beginning on the north side of Landstreet Road, 500 feet plus/minus west of York Road, and being known and designated as Lots 34 through 39, inclusive, of Section A, and Lots 1 through 23, inclusive, of Section L, as shown on the Plat of Timonium Heights, which Plat is recorded among the Plat Records of Baltimore County in Plat Book No. 5, Folio 82, containing 1.81 acres of land in all.

Bureau of

Bureau of

Industrial

Engineering

Department of

Fire Prevention

Health Department

Project Planning

Building Departmen

Board of Education

Zoning Administration

State Roads Commiss

Petitioner: The MD State Fair, et al Petition for Special Hearing

November 27, 1989

Dear Mr. Peddicord:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are no intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Zoning Plans Advisory Committee

JED:jw

Enclosures

Mr. Howard M. Mosner, Jr. The Md State Fair & Agricultural Society P.O. Box 188 Timonium, MD 21093

DATE: December 4, 1989

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

J. Robert Haines

Zoning Commissioner

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Zoning Petition No. 90-217, Item 59
The Maryland State Fair & Agricultural Society, Inc.

The Petitioner requests a Special Hearing to approve a modified plan for the surface of a parking area for use by the Maryland State Fair and Agricultural Society, Inc.

Staff supports the Petitioner's request, however, the following conditions are recommended:

- Parking of vehicles should be limited to a specified period during the time of the State Fair as determined by the Zoning Commissioner.
- No illumination of this parking lot shall be permitted.
- No refrigerated trucks shall be permitted closer than 100
- feet to a residence. - The Petitioner shall file a landscape plan for approval prior to the issuance of any building permits.
- If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK:JL:ggl 90217/ZAC1 Office of Planning & Zonin Towson, Maryland 21204 (301) 887-3353



Your petition has been received and accepted for filing this 22nd day of September, 1989.

> A. Robert Haines ZONING COMMISSIONER

Zoning Plans Advisory Committee

Petitioner: Md State Fair & Agricultural, et al Petitioner's Attorney: Thomas J. Peddicord, Jr.

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 (301) 887-3554

ZONING OFFICE



Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 50, 56, 57, 63, 60, 61, 62, 63, 64, and 569.

> Very truly yours, Michael S. Flanigan Traffic Engineer Associate II

Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500

> J. Robert Haines, Zoning Commissioner Office of Planning & Zoning Baltimore County Office Building Towson, Maryland 21204

> > Item No.: 59

Re: Property Owner: The Maryland state Fair & Agricultural Society, Dennis F. Rasmussen
County Executive

Location: SEC Landstreet Road and Thelma Street Zoning Agenda: August 22, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for t : property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or ____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

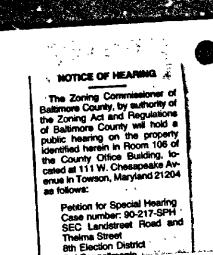
() 3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

() 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

(X) 7. The Fire Prevention Bureau has no comments at this time.



CERTIFICATE OF PUBLICATION

<u>November 28, 1989</u> THIS IS TO CERTIFY, that the annexed advertisement was

published in THE JEFFERSONIAN, a weekly newspaper published

Towson, MD 21204

(301) 887-3775

Bureau of Air Quality Management

300 East Towsontown Boulevard

Baltimore County Department of Environmental Protection

& Resource Management County Courts Building 401 Bosley Avenue Towson, Maryland 21204

(301) 887-3733 Robert W. Sheesley

August 28, 1989 Mr. J. Robert Haines

Zoning Commissioner County Office Building Towson, MD 21204

Dear Mr. Haines: Comments on Zoning Advisory Committee meeting, Item #59 are as follows:

The Maryland State Fair and Agricultural Society, Inc. Property Owner: Landstreet Road Location: Existing Zoning:

Proposeď Zoning: 1.81 acres 8th Election District Area:

This office recommends approval of a stone paving surface in lieu of the required durable and dustless surface. All ingress-egress roads are to have the appropriate amount of stone (crusher-run) applied and maintained in addition to the parking areas.

All traffic and parking areas must be treated as stated in Environment Article 26.11.06.04 D (2) in order to prevent particulate matter from becoming airborne.

No less than once a year, crusher-run is to be added to or replenished to insure existing stone surfaces are treated in accordance with control of airborne particulate regulations and policy.

Very truly yours, Robert C. Merrey, Jr., Director Division of Support Services Bureau of Air Quality Management

90-217-5PH CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Tourson, Maryland Baltimore County Zoning Commissioner
Office of Planning & Zoning

Towson, Maryland 21204 (301) 887-3353 J. Robert Haines

NOTICE OF HEARING

NOV 0 9 1989 \

Dennis F. Rasmussen

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as

Petition for Special Hearing CASE NUMBER: 90-217-SPH SEC Landstreet Road and Thelma Street 8th Election District - 3rd Councilmanic Petitioner(s): The Maryland State Fair & Agricultural Society, Inc. HEARING: FRIDAY, DECEMBER 8, 1989 at 11:00 a.m.

Special Hearing: To approve a modified plan for the surface of a parking area for use by the Maryland State Farim and Agricultural Society, Inc. on the property designated as Lots 34 through 39, Section A and Lots 1 through 23, Section L, all inclusive of Timonium

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissionar will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

NOTE:

(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the Hearing will be postponed. In the event of snow, telephone 687-3391 to confirm hearing date.)

. ROBERT HAINES ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353

J. Robert Haines

DATE 12589.

The Maryland State Fair & Agricultural Society, Inc. c/o Howard M. Mosner, Jr. p. O. Box 18 8 Timonium, Maryland 21093

Dennis F. Rasmussen Petition for Special Hearing

CASE NUMBER: 90-217-SPH SEC Landstreet Road and Thelma Street 8th Election District - 3rd Councilmanic Petitioner(s): The Maryland State Fair & Agricultural Society, Inc. HEARING: FRIDAY, DECEMBER &, 1989 at 11:00 a.m.

Please be advised that $\frac{1}{1}$ is due for advertising and posting of the shrue centinned oronesi Ve

Naltimore County Zoning Commisioner County Office Building 111 Wast Chescpeake Avenue

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PRICE PUBLIC HEARING FEES 080 -PUSTING SIGNS / ADVERTISING 1 X

TOTAL: \$144.11 LAST NAME OF OWNER: MD ST. FAIR AND B B D35****144111a 2082F

Please make checks payable to: Baltimore County

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